

REMARKS

Summary of Office Action

Claims 26-55 stand rejected under 35 U.S.C. §103 as allegedly being unpatentable over Sandhu et al. (U.S. Pub. No. 2003/0033212 A1) in view of McErlean (U.S. Patent No. 7,024,462) and Official Notice.

Summary of Amendment

Claims 26, 36, and 46 have been amended. Claims 56-58 have been added. Accordingly, claims 26-58 are pending for consideration.

Interview Summary

Applicants thank the Examiner and the Examiner's Supervisor for the courtesy of entertaining an interview on April 2, 2008 to discuss the technical distinctions between the present invention and the combination of Sandhu et al. and McErlean as explained in the interview summary. The following arguments are presented in accordance with the understandings achieved during the interview.

All Claims Comply with §103

Claims 26-55 stand rejected under 35 U.S.C. §103 as allegedly being unpatentable over Sandhu et al. in view of McErlean and Official Notice.¹ Applicants respectfully traverse.

In summary, the claimed invention is directed towards a system, method, and computer program product for capturing deal information of executed trades, including one or more product types of one or more financial products, directly from remotely located client devices. For example, the product types may include swaps, swaptions, caps, floors, FX, or cash. The deal capture computer routes the captured information to one or more internal systems based on the one or more product types of the one or more financial products associated with the one or more deals.

Independent claims 26, 36, and 46 recite “the captured information being routed based on the one or more product types of the one or more financial products associated with the one or more deals [wherein the one or more deals are executed trades].” The Office relies upon the combination of Sandhu et al. and McErlean to allegedly teach or suggest this feature. In particular, it is acknowledged in the Office Action that Sandhu et al. fails to teach a “system [that] routes deals based on the one or more product types of the one or more financial products associated with the one or more deals.” McErlean is cited to cure this deficiency. (See page 5, ¶¶ 1-2 of the Office Action.) Applicants disagree.

¹ In rejecting claims 26-55, the Office relies upon Sandhu et al. and McErlean, in combination with Official Notice that it is old and well known that hedge funds and investment banks are traditional and conventional parties to financial transactions in the art of investing and financial markets. Applicants respectfully submit that only dependent claims 34, 35, 44, 45, 54, and 55 are relevant to the features taken notice by the Office. Accordingly, the Office erred in rejecting all of the pending claims in view of Sandhu et al., McErlean, and Official Notice. For purposes of preparing a response, claims 26-33, 36-43 and 46-53 are considered to stand rejected over Sandhu et al. and McErlean.

As an initial matter, the Office Action does not include a citation to the particular part of McErlean that is relied on by the Office. *See* 37 C.F.R. § 1.104(c)(2). Therefore, it is unclear which portions of McErlean are being relied on to teach the features of claims 26, 36, and 46. Thus, the following response is based on Applicants' best understanding of the proffered rejection.

As best understood, McErlean fails to teach or suggest "the captured information being routed based on the one or more product types of the one or more financial products associated with the one or more deals" as recited in independent claims 26, 36, and 46. McErlean is directed towards an electronic message processing system for sending and receiving electronic messages across a network where the electronic messages include emails, Web-page forms, and SMS (Short Message Service text messages). (*See* col. 2, lines 29-31 & col. 4, lines 48-49 of McErlean.) The system of McErlean uses routing tags to determine how electronic messages are to be routed, distributed, or otherwise processed by the system. (*See* Abstract of McErlean.) McErlean does not teach or suggest that the routing tags are "one or more product types of the one or more financial products associated with the one or more deals," nor does McErlean teach or suggest routing the electronic messages "based on the one or more product types of the one or more financial products associated with the one or more deals" as recited in claims 26, 36, and 46.

In addition, as discussed in the response filed October 16, 2007, and reiterated here, Sandhu et al. is directed to the "front-end" of a trading system. That is to say, Sandhu et al. is directed to a system that facilitates trading/negotiations. By contrast, the present invention is directed to a "middle" and "back-end" system that processes already executed trades or

consummated deals.

For example, independent claims 26, 36, and 46 recite, in part, “remotely located client devices to capture information concerning one or more deals from one or more users... wherein the one or more deals are *executed trades*.” (Emphasis added.) By contrast, the “transactions” disclosed in Sandhu et al. are not “executed trades,” but rather transactions that will occur in the future. For example, Sandhu et al. discloses that “the Member must decide on the type of transaction it wishes to execute... and structure the desired transaction.” (See Sandhu: para. [0205].) In other words, the deal discussed in Sandhu et al. is not an “executed trade” since the transaction in Sandhu et al. has not yet been executed. McErlean fails to cure the deficiencies of Sandhu et al. Accordingly, for at least these reasons, Sandhu et al. and McErlean, whether taken individually or in combination, fail to teach all the features of at least independent claims 26, 36, and 46.

Dependent claims 27-35, 37-45 and 47-55 depend from one of independent claims 26, 36, and 46, thereby incorporating all the features of their base claims. Therefore, Applicants submit that Sandhu et al. and McErlean, whether taken individually or in combination, fail to render dependent claims 27-35, 37-45 and 47-55 obvious for at least the reasons discussed above.

As to the rejection of dependent claims 34, 35, 44, 45, 54, and 55 under 35 U.S.C. §103 as allegedly being unpatentable over Sandhu et al. in view of McErlean and Official Notice, the Official Notice taken, whether true or not, fails to cure the deficiencies discussed above. Moreover, the Office’s use of Official Notice also fails to take into account that claims 34, 35, 44, 45, 54, and 55 further define the type of captured information recited in independent claims 26, 36, and 46. Thus, Applicants respectfully submit that capturing information identifying a

party and a counterparty, where *the party or the counter party is a hedge fund or an investment bank*, is still not taught by the taking of Official Notice.

For at least the reasons discussed above, Applicants respectfully request that the §103 rejections to claims 26-55 be withdrawn.

New Claims.

New claims 56-58 have been added to claim additional aspects of the invention in accordance with the understandings achieved during the interview. No new matter has been introduced as all the claimed features are supported by the specification as originally filed. As discussed above, Sandhu et al. and McErlean fail to teach or suggest at least such a feature. New claims 56-58 depend from independent claims 26, 36, and 46, thereby incorporating all the features of claims 26, 36, and 46. Therefore, Applicant submits that new claims 56-58 are allowable over Sandhu et al. and McErlean for at least the reasons stated above.

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CONCLUSION

In view of the foregoing, reconsideration and timely allowance of the pending claims are respectfully requested. Should the Examiner feel that there are any issues outstanding after consideration of the response, the Examiner is invited to contact the Applicants' undersigned representative to expedite prosecution.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated: April 4, 2008

By: Carol Bleck Kosowski
Carolyn Bleck Kosowski
Registration No. 60,818

Customer No.: 009626
MORGAN, LEWIS & BOCKIUS LLP
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
Telephone: 202.739.3000
Facsimile: 202.739.3001